



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/621,516	07/21/2000	Christopher Poli	80,113-0079 (GEN-079)(D23)	4840

7590

11/24/2003

Ronald P Kananen Esq
Rader Fishman & Grauer
The Lion Building Suite 501
1233 20th Street NW
Washington, DC 20036

EXAMINER

CORNWELL, BRIAN I

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 11/24/2003

S

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/621,516

Applicant(s)

POLI ET AL.

Examiner

Brian Cornwell

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1,3-6,8-9 rejected under 35 U.S.C. 102(a) as being anticipated by Advanced Television Enhancement Forum Specification (ATVEF).

As to claim 1, the ATVEF discloses a standard for acquiring programming and data objects in a video distribution system. The claimed “download control message” is met by the SDP announcement which includes a UUID attribute to specify the object, a tve-size attribute to specify the size of the object, and an “o” variable that includes the location (pgs.12-14), as claimed.

As to claim 3, the claimed object location, including a URL, is met by the reference’s disclosure of the “o” variable, which can use a URL for identifying the location of an object (pg.13 ln.1-2 and pg.15 ln.2).

As to claim 4, the claimed “programming code object for execution” by a set-top terminal is met by the disclosure of implementation of the standard with a set-top receiver (pg.1 ln.3) in downloading content including HTML (pg.3 ln.25-26). The claimed “downloading said code object in accordance with said download control message” is met by the disclosure of the “t” variable, which specifies a start and stop time of the download (pg.13 ln.20-33).

As to claim 5, the claimed "entitlement control data structure" is met by the encryption, authentication and hash fields in the Session Announcement Protocol header (pg.27 ln.9-13). The claimed downloading "in accordance with said download control message" is met by the disclosure of the "t" variable, which specifies a start and stop time of the download (pg.13 ln.20-33).

As to claim 6, the claimed "authenticating and authorizing" using the entitlement control data structure is met by the encryption, authentication and hash fields in the Session Announcement Protocol header (pg.27 ln.9-13).

As to claim 8, the claimed operating environment is met by the reference's disclosure of a version number (pg.13 ln.6-8) and the claimed downloading of the object according to the operating environment is met by the downloading of an announcement only if the version number is greater than the current announcement version number.

As to claim 9, the claimed embedding of the control message in an entitlement management message is met by the SAP header within the SDP announcement (pg.13 ln.29).

Claims 11,13-16,18-19 are met by that discussed above for claims 1,3-6,8-9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 2,10,12,20 rejected under 35 U.S.C. 103(a) as being unpatentable over Advanced Television Enhancement Forum Specification (ATVEF) in view of MacInnis (5,951,639).

As to claim 2, the ATVEF discloses everything, as described above, except the transport stream location and the packet identifier. MacInnis discloses a system for downloading software and data modules. MacInnis particularly discloses the use of a transport stream ID and a packet ID for specifying a module's location (col.4 ln.22-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine MacInnis' transport stream ID and packet ID with the ATVEF for locating an object, when it is in a broadcast data stream.

As to claim 10, ATVEF discloses everything, as described above, except the specification of an address or characteristic of the set-top terminal by the download control message and the object downloading upon a match of the address or characteristic. MacInnis discloses the downloading of "module versions" according to different terminal configurations or operating system versions upon comparison to an internal configuration table (col.2 ln.22-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the download mechanism of MacInnis to the ATVEF for the purpose of updating multiple varieties of terminals with reduced bandwidth utilization.

Claims 12, 20 are met by that discussed above for claims 2,10.

Claims 7,17 rejected under 35 U.S.C. 103(a) as being unpatentable over Advanced Television Enhancement Forum Specification (ATVEF).

As to claim 7, the reference discloses everything, as described above, except the termination of the download upon a timeout between receipt of data packets. However the

Art Unit: 2614

examiner gives official notice that it is notoriously well known in the art of downloading data objects to terminate upon a timeout to keep a system from becoming inactive. Therefore it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the termination upon timeout function with the ATVEF system for the purpose of managing transmissions errors.

Claim 17 is met by that discussed above for claim 7.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kauffman et al (5,003,591) discloses a CATV converter with remotely modifiable functionality.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Cornwell whose telephone number is 703-305-6955. The examiner can normally be reached on M-F 6-4 (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 703-305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4357.

BIC

November 10 November 10, 2003


HAI TRAN
PATENT EXAMINER